

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

BRANDON BRADLEY, SR.,

Plaintiff,

v.

Case No. 20-C-563

KEVIN KALLAS, et al.,

Defendants.

ORDER DENYING PLAINTIFF'S MOTION TO DISMISS

This matter comes before the court on Plaintiff's motion to dismiss. As his basis for dismissal, Plaintiff asserts he filed the case in the Milwaukee division, rather than the Green Bay division, the caption of the case should include "Sheriff Doe," and four pages from his complaint are missing. Once a defendant answers the complaint, a plaintiff may voluntarily dismiss an action without prejudice only by seeking a court order in accordance with Rule 41(a)(2) of the Federal Rules of Civil Procedure. Under Rule 41(a)(2), "[a]n action may be dismissed at the plaintiff's request only by court order, on terms that the court considers proper." Plaintiff has not presented the court with a proper explanation supporting dismissal. Although Plaintiff may have filed his complaint in the Milwaukee division, this case was properly assigned to this court pursuant to the June 11, 1981 General Order, which requires that a § 1983 complaint filed by a prisoner who has a prior complaint pending be assigned to the judge having jurisdiction over the earlier case. In addition, the caption in this case properly lists all of the defendants Plaintiff's complaint states a claim against, and it does not appear that Plaintiff's complaint is missing any pages. Dismissal at

this juncture would also prejudice Defendants. Accordingly, Plaintiff's motion to dismiss (Dkt. No. 43) is **DENIED**.

SO ORDERED at Green Bay, Wisconsin this 22nd day of October, 2020.

s/ William C. Griesbach

William C. Griesbach
United States District Judge